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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,039	09/27/2005	Masahiro Fujita	09812.0514	4647
22852	7590	12/24/2009		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER SRIRAMAN, NIKHIL	
			ART UNIT	PAPER NUMBER
			3664	
			MAIL DATE	DELIVERY MODE
			12/24/2009 PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/551,039

**Applicant(s)**

FUJITA ET AL.

**Examiner**

NIKHIL SRIRAMAN

**Art Unit**

3664

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 25-31, 33-39 and 41-46 is/are rejected.
- 7) ☐ Claim(s) 32, 40 and 47-48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notes of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

This is a non-final Office Action in response to communications filed by Applicant on September 30, 2009. Claims 1-48 are currently pending and are addressed below.

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 30, 2009 has been entered.

#### ***Allowable Subject Matter***

2. Claims 32, 40 and 47-48 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 31 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Regarding claim 39**, line 17 recites “comparing the needed functions to the list of functions to determine functions in deficit.” There is no antecedent basis for the phrase “the list of functions” despite that this phrase has not previously been introduced.

Line 5 recites “formulating a list of at least one of data ... and programs”. Based on the specification, Examiner construes the “data” and “programs” to pertain to at least one of motion and response — both of which are functions (See Paragraph [0006] of the specification's pre-grant publication that states “the robot apparatus of this sort are requested to. . .perform vivid dynamic response expression to words or demeanor from a user or other robot apparatus, such as 'praising', 'scolding' or 'patting'”). Therefore, there is uncertainty as to the differentiation between the list recited in line 5 and the list recite in line 17.

In turn, this lead to uncertainty regarding the difference between “the selected data or programs” recited in line 15 of claim 33 and “one or more objects of the functional objects corresponding to the deficit functions” recited in lines 18-19. Just like the compilation of “program” names make the “list of” “programs”, the compilation of “functional objects” descriptions would make up “the list of functions. Therefore, the scope of the limitation in lines 19-21 is also uncertain. Same applies to claim 31

This is in contrast to claim 40, which recites "the information of the robot apparatus comprises a list of functions. The introduction of "a list of functions" differentiates it from "a list of at least one of data ... and programs". Thus, in claim 40, the term "functions" is reasonably construed as those described in paragraph [0200] (e.g. face recognition, voice recognition and TTS), which are needed to perform the "motion data" or "programs" to comply with a user request as stated in paragraph [0006] of the specification's background section. Same applies to claim 32 and 47-48.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 25, 27-31, 33, 35-39, 41 and 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haff et al. (2002/0184224 A1) in view of Gupta et al. (7,030,875 B2).

**Regarding claim 25**, use of the apparatus for the method claims as disclosed below for claims 33 reads on the apparatus of claim 25.

**Regarding claim 27**, use of the apparatus for the method claims as disclosed below for claims 35 reads on the apparatus of claim 27.

**Regarding claim 28**, use of the apparatus for the method claims as disclosed below for claims 36 reads on the apparatus of claim 28.

**Regarding claim 29**, use of the apparatus for the method claims as disclosed below for claims 37 reads on the apparatus of claim 29.

**Regarding claim 30**, use of the apparatus for the method claims as disclosed below for claims 38 reads on the apparatus of claim 30.

**Regarding claim 31**, use of the apparatus for the method claims as disclosed below for claims 39 reads on the apparatus of claim 31.

**Regarding claim 33**, Haff et al. discloses an information providing method for supplying data, stating the movements of a plurality of body units of a robot apparatus, or an application program, managing recognition and/or action control, to a PC apparatus, over a network ([0166]-[0178]); the method comprising:

receiving, from a requesting the PC apparatus an inquiry ([0166] via "index request") comprising a service request and the information of the requesting PC apparatus (Id. via "identification, and the address of the requesting PC");

formulating a list of data or program ([0167] via "user may create one or more indexes of files stored on the PC's storage device") that may be provided to the PC apparatus based on services requested in the service request and the information of the robot apparatus (Id. via "the only index that will be transmitted to a requesting PC");

returning information based on the list to the robot apparatus ([0166] via "returns the index linked to the requesting PC");

receiving a selection of data or programs from the list from the robot apparatus ([0171] via “when a PC destination receives a request for one or more files in an index...compresses the file contained in the received request, creates a packet file. . .”); and

transmitting the selected data or programs to the PC apparatus ([0172] via “transmits the packet containing the compressed requested files”).

Haff et al. fails to disclose the supplied data is motion data or that the PC apparatus is a robot.

However, Gupta et al. discloses supplying motion data to a robot apparatus (Col. 7, lines 32-50).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to combine the program update process as disclosed by Haff et al. with robotic motion control as disclosed by Gupta et al. so that a robot could act without detailed instructions and fill in missing details as required for achieving certain tasks (Gupta et al., Col. 1, lines 1-24).

**Regarding claim 35**, Haff et al. further discloses supervising supplementary information pertinent to each data or program ([0166] via “index may then be linked to a specific destination address”); and

matching the inquiry and the supplementary information (Id via “checks the requesting PC’s identification for authorization, and then returns the index linked to the requesting PC”),

wherein formulating of the list of the data or programs is based on matching of the inquiry and the supplementary information ([0167] via "an index linked to a specific destination address. . . is the only index that will be transmitted to a requesting destination PC having that specific destination address").

**Regarding claim 36**, Haff et al. further discloses returning, in response to the selection from a list, an access method for accessing the selected data or programs to the robot apparatus, wherein transmitting the selected data comprises transmitting the data or the program in response to an access request, where the programs are only accessible by complying with the access method from the robot apparatus ([0170]-[0171] via "public key", "private key" and "one time key").

Haff fails to disclose program restricting access at the point of data transmission.

However, it is notoriously well known in the art that data access can be restricted at the point of transmission or the point of receipt.

Therefore, it would have been obvious to modify Haff et al. that restricts access at the point of receipt through encryption keys to instead do so at the point of receipt as is notoriously well known in the art in order to choose an alternative means of securing data.

**Regarding claim 37**, Haff et al. further discloses wherein the supplementary information ([0167]-[0168] via specific destination address to which an index is linked) comprises information pertinent to services (Id. via "index request") and the information pertinent to information of the apparatus (Id. via "a requesting destination PC having that specific destination address").



Haff et al. fails to disclose the PC apparatus is robot, but such combination would have been obvious for the rational as listed above with respect to 33.

**Regarding claim 38**, Haff et al. further discloses wherein the information pertinent of the robot apparatus comprises at least one of the following information: an ID of the robot apparatus, wherein the ID is unique to the robot apparatus; a robot sort ID, wherein the sort ID is unique to a type robot apparatus; a list of functions of the robot apparatus; information indicating hardware architecture of the robot apparatus; and a database list owned by the robot apparatus ([0166-0167] via "identification", "specific destination", "user name").

**Regarding claim 39**, see the rational as set forth above for claim 33. This rational, in conjuncture with the uncertainty under 35 U.S.C. 112 recited above, results in the sections cited with respect to line 7 of claim 33 for the "list of at least one of data. . .and programs" to read on claim 39's recitation of "the list of functions". It further results in the sections cited under line claim 33 for "data...and programs" to read on claim 39's recitation of "one or more objects of functional objects".

**Regarding claim 41**, use of the apparatus for the method claims as disclosed above for claims 33 reads on the apparatus of claim 41.

**Regarding claim 43**, use of the apparatus for the method claims as disclosed above for claims 35 reads on the apparatus of claim 43.

**Regarding claim 44**, use of the apparatus for the method claims as disclosed above for claims 36 reads on the apparatus of claim 44.

**Regarding claim 45**, use of the apparatus for the method claims as disclosed above for claims 37 reads on the apparatus of claim 45.

**Regarding claim 46**, use of the apparatus for the method claims as disclosed above for claims 38 reads on the apparatus of claim 46.

7. Claims 26, 34 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haff et al. (2002/0184224 A1) in view of in view of Gupta et al. (7,030,875 B2), and further in view of Senn (2004/0002790 A1).

**Regarding claim 34**, Haff et al. discloses remote communication with the PC apparatus through various protocols ([0023])

Haff et al. fails to disclose any of the protocols are SOAP (Simple Object Access Control).

However, Senn discloses software in the field of robotics communications ([0042]) wherein information is distributed through SOAP ([0043]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to combine robotic wireless communication system as disclosed by Haff et al. with the use of information transmission through SOAP as disclosed by Senn in order to provide a more flexible communication means (Senn, [0043]).

**Regarding claims 26 and 42**, the use of the system for the method claims as disclosed above for claim 34 respectively reads these system claims.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Harris et al. (6,167,319) discloses a process for generating program listings for programming a logic control unit.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIKHIL SRIRAMAN whose telephone number is (571)270-5797. The examiner can normally be reached on Monday through Friday, 7:30am-5:00pm, with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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